

included in the Group I invention is directed to a method for isolating a silencing agent comprising SRMS for a target gene. Claim 8 as originally filed is directed to a method for characterizing any SRMS present in a nucleic acid isolated from an organism where gene silencing has occurred. Applicants respectfully submit that claims 8 and 17 are drawn to directly related subject matter and therefore do not comprise separate and distinct inventions. Additionally, claim 8 has been amended to depend from claim 1 and merely recites the steps of isolating and further characterizing the SRMS responsible for gene silencing. Inasmuch as the claims are no longer independent of one another and claims 8 and 11 merely recite further steps of the method of claim 1, Applicants respectfully submit that the Examiner's workload would not be increased by searching the invention presently claimed and request that the restriction between the group I and group II inventions be withdrawn. Accordingly, Applicants request that claims 1, 5-17 and new claim 32 be examined together on the merits.

In order to be fully responsive however, Applicants hereby elect the claims of the group I invention for prosecution at this time.

The Examiner also asserts that the claims of the different groups read on (3) different species. These are: a) plant; b) animal; and c) plant and plant predator. Applicants hereby elect the species of plant for prosecution.

Applicants reserve the right to file one or more continuing applications under 35 U.S.C. §120 on the subject matter of any claims finally held withdrawn from consideration in this application.

Also attached to the restriction requirement was a paper indicating that the present application was not in compliance with the sequence listing rules, 37 C.F.R. §§1.821-1.825. As indicated in Applicant's response to the Notice to File Missing Parts dated April 4, 2000, this application does not

disclose nucleotide or amino acid sequences. Applicants again request that the Patent and Trademark office specifically identify the nucleic acid and amino acid disclosure which allegedly necessitates the filing of a sequence listing.

Favorable consideration leading to prompt allowance of the present application is respectfully requested.

Respectfully submitted,
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